

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
September 14, 2010  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Jim Wollack, Rafer Burnham, Sue Wedel and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Administrative Services Director Bryan Ostler, Planning Director Jennifer Simmons and Chief Gary Barbour. Audience was also present.

**ROLL CALL** Mayor Doering indicated roll call was taken at called at the beginning of the Special Meeting; all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** A Consideration of an Order to Show Cause Hearing for Suzi-Cue's was added to tonight's agenda.

**SPECIAL PRESENTATION**

**Pat Rodriguez, Census Update** Pat Rodriguez from the Census Bureau provided statistics to the Town Board and additional information about the status of the Census project. The final numbers will be supplied to the municipalities at the beginning of the Year 2011.

**Carbon Valley Recreation Center Quarterly Update** Recreation Director Renee Witty provided information about the number of participants in the summer Camps, Babysitting Classes, Hunters Safety, a variety of sports, Rockies Skills Challenge, Swim Lessons, to name a few stats. The Recreation District has also applied for a Great Outdoors Colorado grant for the completion of a Master Plan and the District also refinanced the 2002 bonds which help with the annual payments thru 2023. Currently the District is working on the Year 2011 Budget.

**Update on Amendment 60, 61 and Proposition 101** Bryan Ostler, Administrative Services Director provided additional information regarding Amendment 60, 61 and Proposition 101 to the Board of Trustees; additional information will be provided to the Board as it is obtained.

**PUBLIC COMMENTS**

**Larry Frank, Frederick High School Boys Basketball Coach** thanked the Board for the support last year- the school was able to allow 100 students to attend a Basketball Game; everyone attending the game had a wonderful time. The students attending the game were students who wouldn't have been able to attend for various

reasons.

**Bryan VanDriel** a staff member for United States Senator Mark Udall. One element of US Senator Mark Udall's Office is a Constituents' Advocacy, which help the unemployed, military, municipalities, etc. VanDriel had set a make shift office from 4:30-6p.m. at Town Hall to answer any questions the Community might have. Van Driel thanked the Board for the use of the Town Hall and for their continued hard work.

**Bob Broderick and Bill Meir, United Power** indicated the Town of Frederick was one of their largest customers and has enjoyed working with the Town for a long period of time. United Power is a co-op and annually presents the customers with a Capital Credit check; this year's Town of Frederick check is for \$34,937+/- . United Power values the relationship with the Town.

**Richard McCaskill** thanked the Board for the opportunity to interview him for the Trustee vacancy.

## **STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Miners Day this Weekend and Upcoming Board of Trustees Work Sessions. The Administrative Services Department provided information about Online Bill Pay, Budget Preparation, Recruitment Update and Recent Employee Vacancy. The Engineering Department provided information about the Frederick High School Construction, Oversize/Overweight Vehicle Permits, Building Division, Metal Sales Building Expansion, Completion of Top Lift of Asphalt and Construction Projects. The Police Department provided information about the Crisis Intervention Training, Santa Cops and the Emergency Management Training Exercise.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Samson also provided an update for the Bickel Injunction and the Courts decision on awarding the Town of Frederick additional attorney fees for the SMT litigation. The Bickel Injunction will be mitigated at no cost to the Town.

## **LIQUOR LICENSING AUTHORITY**

Mayor Doering indicated the Town Board is now acting as the Liquor Licensing Authority; this portion of the meeting began at 8:10p.m.

**AM 2010-086, To Consider Renewal of Pete's Place/Papa Franks, LLC,**  
**Liquor License** Prosecuting Attorney Kristin Brown indicated the establishment is in Good Standing with the State of Colorado, and there have been no violations at the establishment this past year. Motion by Trustee Carey to approve the renewal of Pete's Place/Papa Franks, LLC Liquor License, and Trustee Wollack seconded the motion, motion carried unanimously.

**Consideration of Order to Show Cause Hearing for Suzi-Cue's** Prosecuting Attorney Kristin Brown indicated that on September 5, 2010, there was a disturbance at Suzi-Cue's; police reports were provided to the Board. After the review of the police reports and the determination there is probable cause that a violation has occurred, the Board should direct the Order to Show Cause and Notice of Hearing be issued to the licensee. The Board felt after review of the supplied documents there was alleged violation and probable cause to send notice. Motion by Trustee Wedel to send the Order to Show Cause and Notice of Hearing to the Licensee, Trustee Wollack seconded the motion and motion carried unanimously. Prior to the motion and the vote on the motion, Mayor Pro Tem Carey stated he could have a Conflict of Interest and recused himself from the meeting.

There being no further liquor licensing discussion. Mayor Doering stated the Liquor Licensing Authority will become the Town Board at 8:16p.m.

### **PUBLIC HEARING**

**AM 2010-084, An Ordinance of the Town of Frederick, Colorado, for the Regulation of Traffic by the Town of Frederick, Colorado; Adopting by Reference the 2010 Edition of the "Model Traffic Code", Repealing All Ordinances in Conflict Therewith; and Providing Penalties for Violation Thereof** The Colorado Department of Transportation has issued the 2010 edition of the Model Traffic Code. The proposed model traffic code is intended to provide uniformity of basic road rules and local traffic regulations. The proposed code will be adopted by reference and all publication requirements have been completed.

Mayor Doering opened the Public Hearing at 8:20p.m., there being no comments or questions, the Public Hearing was closed at 8:20p.m.

Motion by Trustee Wollack to adopt Ordinance 1042, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, FOR THE REGULATION OF TRAFFIC BY THE TOWN OF FREDERICK COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF, Trustee Wedel seconded the motion and motion carried unanimously.

### **ACTION AGENDA**

**AM 2010-081, To Consider an Ordinance of the Town of Frederick, Colorado, Enacting Chapter 7, Article V, Section 7-105 of the Frederick Municipal Code, Entitled "Lost or Destroyed Tags"** Section 7-105 provides that if a dog tag is lost or destroyed, the license holder is to obtain a "duplicate tag" from the police department. Duplicate tags are not available from the police department; however dog tags are issued in numerical order, therefore there is the need to revise the language to require that a new tag be purchased; which will have a new serial number. Motion by Mayor Pro Tem Carey to adopt Ordinance 1043, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, REPEALING AND RE-ENACTING CHAPTER 7,

ARTICLE V, SECTION 7-105 OF FREDERICK MUNICIPAL CODE, ENTITLED "LOST OR DESTROYED TAGS", Trustee Schiers seconded the motion and motion carried unanimously.

**AM 2010-085, To Consider an Ordinance of the Town of Frederick, Colorado, Repealing and Re-Enacting Chapter 8, Article III, Sections 8-42(a)(1) and 8-42(b)(1), of the Frederick Municipal Code, Entitled "Recreational Vehicles, Utility Trailers," and Repealing and Re-Enacting Chapter 10, Article XIII, Sections 10-248(a)** Currently the Frederick Municipal Code, Section 8-42, restricts the parking of recreational vehicles on public rights of way, with the exception when there is expeditious loading or unloading of the recreational vehicle. Expeditious was defined to be 12 hours; after further discussion, Trustee Burnham made a motion to define expeditious as 24 hours, and to enforce the regulations if there is a complaint with the property owner, Trustee Wedel seconded the motion and motion carried unanimously. The motion also included the reworking of the definition of recreational vehicles in Section 8-42 and 10-248.

**AM 2010 082, To Consider An Ordinance of the Town of Frederick, Colorado, Enacting Chapter 10, Article X, Section 10-199 of the Frederick Municipal Code, Entitled "Failure to Obey Lawful Order"** The proposed ordinance is the result of a lengthy discussion between Chief Barbour and the Town Prosecutor. A local law making it unlawful to fail to obey a lawful order of a police officer, fire department officer, paramedic and/or emergency medical technician will help enable personnel to perform their duties while preserving the peace or protecting the safety of person and/or property. Motion by Mayor Pro Tem Carey to adopt Ordinance #1044, AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, ENACTING CHAPTER 10, ARTICLE X SECTION 10-199 OF THE FREDERICK MUNICIPAL CODE, ENTITLED "FAILURE TO OBEY LAWFUL ORDER", Trustee Wedel seconded the motion and motion carried unanimously.

**AM 2010-088, To Consider an Ordinance of the Town of Frederick, Colorado, Enacting Chapter 10, Article XIII, Section 10-261 of the Frederick Municipal Code, Entitled "Definitions" Related to Fireworks** Currently the Town's regulations related to fireworks specifically prohibits sparklers and another authorizes sparklers. Staff requests the adoption of the proposed ordinance, which would make sparklers unlawful. The Board discussed the possibility of allowing sparklers and fireworks that don't leave the ground within the Town limits. After a lengthy discussion there was a motion by Trustee Wedel to direct staff to draft a proposed ordinance allowing sparklers and fireworks that don't leave the ground to be allowed in the Town of Frederick, Trustee Burnham seconded the motion and motion carried unanimously.

#### **DISCUSSION AGENDA**

**IM 2010-011, To Discuss the Draft Parks, Open Space and Trails (POST) Policy Document** The Parks, Open Space and Trails Plan is near completion and staff would like the Board of Trustees to ensure the direction the plan is progressing is in the right direction. A draft policy document was provided to the Board for their review; if the Board has any concerns or comments they are to contact Planning Director Jennifer

Simmons with comments.

**IM 2010-012, 2012-2017, Transportation Improvement Program Project Submission and Right-of-Way Acquisition** Department of Regional Council of Government has opened the call for projects for funding through the Fiscal-Year 2012-2017, Transportation Improvement Program (TIP). Staff is recommending a bike/pedestrian trail expansion project along Bella Rosa Parkway and with the installation of the expansion, it will require the acquisition of additional right-of-way. The property owners of the proposed right-of-way can donate the property, may be compensated for their property at fair market value or the Town could possibly condemn the property. Motion by Mayor Pro Tem Carey that if the Transportation Improvement Program funding is requested the Town will be willing to pursue condemnation if a fair market value can't be agreed upon with the property owners, Trustee Wedel seconded the motion and motion carried unanimously.

### **CONSENT AGENDA**

Motion by Mayor Pro Tem Carey to approve the Consent Agenda with the following items; AM 2010-083, To Provide Direction on Medical Marijuana Regulations, AM 2010-087, To Consider an Intergovernmental Agreement for the St. Vrain Valley Schools, School Resource Officer, Approval of List of Warrants for September 14, 2010 and Approval of the August 24, 2010, Regular Meeting Minutes, Trustee Wollack seconded the motion and motion carried unanimously.

**New Trustee Fred Skates** took his Oath of Office, Trustee Skates term is until April 2012, at which time he can run for a full term.

### **MAYOR AND BOARD REPORTS**

**Mayor Pro Tem Carey** mentioned the Hot Air Balloon Pilots Dinner and comments about Amendment 60, 61 and Proposition 101.

**Trustee Burnham** provided an update from the Frederick Arts Commission meeting. Trustee Wedel would like to have discussion at the Board/Staff Retreat regarding funding for maintaining the art sculptors.

**Trustee Schiers** inquired about the proposed sidewalk through Crist Park and the Town of Frederick participating in this year's homecoming parade.

**Trustee Skates** thanked the Board for the opportunity to serve the community.

**Trustee Wedel** stated she was impressed with Trustee vacancy candidates, the Census report and United Power's comment about the Town's power lines being a Town asset.

**Trustee Wollack** provided the Board with a Miners' Day Celebration update.

**Mayor Doering** also made comment about Miners' Day, welcomed Trustee Skates to the Board, an article in the Northern Colorado Business Report about Longmont United and Poudre Valley construction of new hospital joint venture. Mayor Doering also made mention of Carbon Valley Recreation District property tax inclusions and then Mayor Doering requested a motion to go into executive session.

Motion by Trustee Schiers to go into an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e), Trustee Wedel seconded the motion and motion carried unanimously.

The executive session began at 9:46p.m. and ended at 11:15p.m.

There being no further discussion, Mayor Doering closed the executive session at 11:15p.m.

---

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

---

Eric E. Doering, Mayor